

Cory R. Laird
Lindsay A. Mullineaux
Riley M. Wavra
LAIRD COWLEY, PLLC
2315 McDonald Avenue, Suite 220
Missoula, MT 59801
P.O. Box 4066
Missoula, MT 59806-4066
Telephone: (406) 541-7400
Facsimile: (406) 541-7414
Email: claird@lairdcowley.com
lmullineaux@lairdcowley.com
rwavra@lairdcowley.com

Mark M. Kovacich
Ben A. Snipes
Caelan G. Brady
KOVACICH SNIPES JOHNSON PC
21 3rd Street North, Suite 301
Great Falls, MT 59401
Telephone: (406) 550-5000
Email: mark@justicemt.com
ben@justicemt.com
caelan@justicemt.com

Attorneys for Plaintiffs and Putative Class

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

JEFF BECK, individually; AMY
WEINBERG, individually; ZAC
WEINBERG, individually; ALTA
VIEWS, LLC; RIVERVIEW COMPANY,
LLC; and on behalf of a class of similarly
situated persons and entities,

Plaintiffs,

vs.

CV 22-44-M-KLD

**PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

CITY OF WHITEFISH, a Montana
governmental entity, and DOES 1-10,
Defendants.

Plaintiffs Jeff Beck, Amy Weinberg, Zac Weinberg, Alta Views, LLC, and Riverview Company, LLC (“Plaintiffs”), respectfully move this Court for an order certifying this action as a class action pursuant to Fed. R. Civ. P. 23. Specifically, Plaintiffs move this Court for an order: (1) certifying the above-captioned matter as a class action; (2) defining the class; (3) defining the class claims and issues; and (4) appointing counsel of record for Plaintiffs as class counsel. *See* Fed. R. Civ. P. 23(c)(1)(B), (g)(1).

Plaintiffs ask the Court to define the class as follows:

Any and all persons or entities who paid impact fees for water and wastewater services to Defendant City of Whitefish (“the City”) from January 1, 2019 to the present.

Plaintiffs ask the Court to define the claims and issues as follows:

Any and all claims advanced in Plaintiffs’ Complaint involving the City’s allegedly unlawful assessment of impact fees for water and wastewater services from January 1, 2019 to the present.

Counsel for the City has been contacted and indicated they oppose this Motion. A supporting brief is filed contemporaneously herewith.

\\

\\

DATED this 30th day of November, 2022.

LAIRD COWLEY, PLLC

By: /s/ Cory R. Laird
Attorneys for Plaintiffs and
Putative Class

KOVACICH SNIPES JOHNSON PC

By: /s/ Mark M. Kovacich
Attorneys for Plaintiffs and
Putative Class